

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0856-01  
Bill No.: HB 240  
Subject: Alcohol; Children and Minors; Crimes and Punishment; Public Safety  
Department.  
Type: Original  
Date: February 19, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### **FISCAL ANALYSIS**

#### **ASSUMPTION**

Officials from the **Department of Public Safety – Division of Liquor Control** and the **Office of State Courts Administrator** each assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Department of Public Safety– State Highway Patrol (MHP)** did not respond to our request for fiscal impact. However, in response to similar legislation from last year, the MHP assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Prosecution Services (OPS)** did not respond to our request for fiscal impact. However, in response to similar legislation from last year, OPS assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of State Public Defender (SPD)** assume existing staff could provide representation for those cases arising where indigent persons were charged with the D felony of selling or procuring liquor for a person under 21 when a serious injury or death occurs. Due to the enhanced

ASSUMPTION (continued)

penalty for this sale or procurement when serious injury or death occurs, a few more indigent persons will decline to plea and wait for their day in court. Therefore, a few more trials will more than likely occur.

SPD states that passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases. In response to similar legislation from last year, the SPD stated they provided representation in 68 supplying liquor to a minor cases in the previous year.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, in response to similar legislation from last year, DOC assumed the current penalties for supplying liquor to a minor involve revocation of a liquor license. The DOC could not predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal and thought perhaps Liquor Control would have an idea of how many cases passage of this proposal could involve. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC was unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. The potential fiscal impact for the DOC was of an unknown amount.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Incarceration/Probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2004 (10 Mo.)	 FY 2005	 FY 2006
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

The proposed legislation could have a fiscal impact on small businesses that sell liquor.

DESCRIPTION

Currently, selling or providing alcohol to a person under the age of 21, a person who is intoxicated, or a person who is a habitual drunkard is an unclassified misdemeanor offense. This proposal makes selling or providing alcohol to these persons a class A misdemeanor. Providing alcohol to a person under the age of 21 is a class D felony if the consumption of alcohol results in any person being seriously physically injured or killed. The proposal also removes the existing exemption for parents or guardians who purchase or provide alcohol to the specified individuals.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

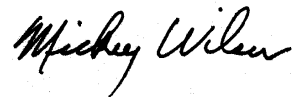
SOURCES OF INFORMATION

RAS:LR:OD (12/02)

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Office of the State Courts Administrator  
Office of the State Public Defender  
Department of Public Safety - Liquor Control

**NOT RESPONDING:**      **Department of Public Safety - Missouri Highway Patrol, Office  
of Prosecution Services, Department of Corrections**

A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

MICKEY WILSON, CPA  
DIRECTOR  
FEBRUARY 19, 2003